

17. The camera according to claim 13 wherein said display is configured to sequentially display a plurality of parameters in response to respective activations of left and right portions of said switch platform, increase and decrease a value associated with a displayed one of said parameters in response to activations of top and bottom portions of said switch platform, and select a displayed one of said values in response to a touching of a central portion of said flat panel display.

18. (Amended) An operator interface device comprising:

a display panel operable to provide a visual display indicative of a parameter to be controlled and values associated with respective ones of said parameters;

a first discrete electrical switch operable to select a displayed value in response to a touching of a central portion of said display panel;

a-1 an array of discrete pressure sensitive electrical switches positioned adjacent respective edges of said display panel; and

a frame attached to said array of pressure sensitive electrical switches and configured whereby a pressure applied to a portion of said frame adjacent a respective edge of said display panel causes an activation of a corresponding one of said switches.

19. The operator interface device according to claim 18 wherein said display panel includes left, right, top and bottom edges, said frame comprising corresponding left, right, top and bottom portions whereby a pressure applied to said left and right portions of said frame causes respective reverse and forward scrolling through said parameters and a pressure applied to said top and bottom portions of said frame causes respective forward and reverse scrolling through values associated with a selected one of said parameters.

20. The operator interface device according to claim 18 wherein said frame is positioned peripheral to said display panel.

REMARKS/ARGUMENTS

The issues outstanding in the instant application are as follows:

— Claims 1 – 20 are rejected under 35 U.S.C. § 103(a).

Applicant hereby traverses the outstanding rejections, and requests reconsideration and withdrawal in light of the remarks contained herein. Claim 18 was amended to correct a typographical misspelling of “central.” No new matter was added. Claims 1 – 20 are pending in this application.

Rejections Under 35 U.S.C. § 103(a)

Claims 1 – 17

Claims 1 – 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,862,419 to Goto, et al., (hereinafter *Goto*) in view of U.S. Patent No. 6,369,803 to Brisebois (hereinafter *Brisebois*).

A Prima Facie case of obviousness has not been established.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding any of the criteria, Applicant asserts that the rejection does not satisfy, at least, the first and third criteria.

The Office Action does not provide the requisite motivation.

The Office Action admits that *Goto*:

does not specifically teach display [sic] comprising an electronic control system housed in association with said display, said electronic control system including a switch platform mounted to detect a touching about a periphery of said display and to provide a plurality of discrete output signals each indicative of a portion of said periphery at which said touching is detected.

The Office Action attempts to cure this deficiency by introducing *Brisebois*, which the Office Action alleges to teach having such elements. The motivation for making the combination

was presented as follows:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the electronic control system as taught by *Brisebois* in the system of *Goto* in order to support interactive communication between a user and a user environment.

It is well settled that the fact that references can be combined or modified is not sufficient to establish a *prima facie* case of obviousness, M.P.E.P. § 2143.01. Such language is merely a statement that the reference can be modified, and does not state any desirability for making the modification. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990), as cited in M.P.E.P. § 2143.01. Not only does *Goto* fail to suggest the combination with *Brisebois*, but actually teaches away from the invention disclosed in *Brisebois*. Thus, the motivation provided by the Examiner is improper, as the motivation must establish the desirability for making the modification.

Goto discloses that the user must touch the display in order to designate the principal object to be photographed. Col. 6, lns 55 – 66. That operation enables the principal object of the invention. However, *Brisebois* defines a touch-activated user input device located near the perimeter or adjacent to the display of the device. Col. 2, lns 7 – 29. The user input device is not located on the display because *Brisebois* teaches that “it is desirable to provide an improved user interface device that is robust and ergonomically correct to create a user-friendly environment that ***does not require... touching the actual display***”. Col. 2, lns 1 – 4. (emphasis added) *Brisebois* discusses that requiring the user to touch the actual display provides a less desirable interface because the user’s hand may block the view of the screen and/or the screen typically and quickly becomes dirty. Col. 1, lns 55 – 67. Thus, *Goto*’s teaching of directly touching the display teaches away from *Brisebois*’ teaching of a system to avoid directly touching the display. Therefore, the rejection of claims 1 – 17 should be withdrawn.

The recited combination does not teach or suggest all claimed limitations.

As argued above, there is no proper motivation to combine *Goto* and *Brisebois*. However, whether taken separately or in combination, the teachings of *Goto* and *Brisebois* do

not teach or suggest all limitations of the claimed invention. The Examiner already admitted that *Goto* is deficient in the majority of the elements described in the present invention. Applicant asserts that the teachings of *Brisebois* also do not teach or suggest all limitations of the claimed invention.

Claim 1 defines, in part, “a switch platform mounted to detect a touching about a periphery of said display” Claim 13 defines a similar limitation as, “said switching platform mounted to detect a touching about a periphery of said display” *Brisebois* does not disclose this limitation, as discussed above. Touching about the periphery of the display describes touching the actual display, which *Brisebois* teaches against. The active edge user input device described in *Brisebois* describes a touch-activated input device that is either near the edges of the display or is, at most, adjacent to the display. Therefore, the touch-activated input device of *Brisebois* does not teach the invention described in claims 1 and 13.

Claims 2 – 12 and 14 – 17 depend directly from base claims 1 and 13, respectively, and thus inherit all limitations of their respective base claims. Furthermore, each of claims 2 – 12 and 14 – 17 sets forth features and limitations not recited by the combination of *Goto* as modified by *Brisebois*. Thus, the Applicant respectfully asserts that for the above reasons claims 1 – 17 are patentable over the 35 U.S.C. § 103(a) rejection of record.

Claims 18 – 20

Claims 18 – 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brisebois* in view of obviousness.

A Prima Facie case of obviousness has not been established.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Considering the same arguments regarding the lack of motivation to combine *Goto* and *Brisebois*, Applicant further asserts that the rejection does not satisfy, at least, the third criteria.

The recited combination does not teach or suggest all claimed limitations.

Claim 18 defines, in part, "a first discrete electrical switch operable to select a displayed value in response to a touching of a central portion of said display panel" While the Examiner claims that it would be obvious to modify *Brisebois* to add such an element, *Brisebois* not only fails to disclose this limitation, but teaches away from touching the actual display, as discussed above. The active edge user input device described in *Brisebois* describes a touch-activated input device that is either near the edges of the display or is, at most, adjacent to the display. Therefore, the touch-activated input device of *Brisebois* does not teach the invention described in claim 18.

Claims 19 and 20 depend directly from base claim 18, respectively, and thus inherit all limitations of their respective base claims. Furthermore, each of claims 19 and 20 sets forth features and limitations not recited by the combination of *Goto* as modified by *Brisebois*. Thus, the Applicant respectfully asserts that for the above reasons claims 18 – 20 are patentable over the 35 U.S.C. § 103(a) rejection of record.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10004909-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL315116961US in an envelope addressed to: Box Non-Fee, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Date of Deposit: December 23, 2002

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Respectfully submitted,

By 

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Version With Markings to Show Changes Made

18. (Amended) An operator interface device comprising:

a display panel operable to provide a visual display indicative of a parameter to be controlled and values associated with respective ones of said parameters;

a first discrete electrical switch operable to select a displayed value in response to a touching of a [cental] central portion of said display panel;

an array of discrete pressure sensitive electrical switches positioned adjacent respective edges of said display panel; and

a frame attached to said array of pressure sensitive electrical switches and configured whereby a pressure applied to a portion of said frame adjacent a respective edge of said display panel causes an activation of a corresponding one of said switches.

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